

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

JAMES C. CHERRY	§
Plaintiff	§
	§
	§
VS.	§
	§
	§
NEXION HEALTH AT NEW BOSTON, INC., and NEXION HEALTH MANAGEMENT, INC.	§
Defendants	§
	§

No. 5:11-CV-94

MEMORANDUM ORDER

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. No objections to the Report and Recommendation were filed. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is

ORDERED that Defendants' Third Motion for Final Summary Judgment (Dkt. No. 39) and Supplemental Third Motion for Final Summary Judgment (Dkt. No. 41) are **GRANTED**. It is further

ORDERED that Plaintiff's above-entitled and numbered cause of action is **DISMISSED WITH PREJUDICE**.

It is SO ORDERED.

SIGNED this 15th day of January, 2013.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE